IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.641 OF 2005

Raju Hemraj Chanda : Petitioner

V/s.

Pandharinath Bapurao Kawade : Respondent

...

Mr.R.S.Apte with Mr.M.V.Limaye for the petitioner.

None present for the respondent.

...

CORAM : S.A. BOBDE, J.

July 6, 2005.

P.C.:

1. The petitioner has challenged the rejection of his application for setting aside the order of the trial Court that the suit should proceed against him without a Written Statement.

2. The trial Court has observed that 14 adjournments were granted to the petitioner for filing the Written Statement. The reason given by the petitioner was that his wife was suffering from brain tumour and was operated upon. That is indeed an unfortunate circumstance, but the trial Court has found that it is not a sufficient cause for not filing the Written Statement. She was operated on

19.3.2002. The suit summons was served on the petitioner on 2.7.2003 i.e. a year after the operation. Therefore, this reason has also not impressed the trial Court and, in my view, rightly. Having regard to the circumstances of the case, I see no reason to interfere.

3. The petition is dismissed.

S.A. BOBDE, J.